

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALVAIR DESOUSA	:	CIVIL ACTION
	:	
v.	:	No. 11-3237
	:	
THE CITY OF PHILADELPHIA, et al.	:	

ORDER

AND NOW, this 9th day of July, 2012, it is ORDERED Defendants the City of Philadelphia and Philadelphia Police Department's Motion to Dismiss the Complaint (Document 5) is GRANTED. The Philadelphia Police Department is DISMISSED as a party to this action. DeSousa's claims against the City of Philadelphia are DISMISSED without prejudice. DeSousa shall have until August 8, 2012, to file an amended complaint against the City which corrects the deficiencies identified in the accompanying Memorandum. If DeSousa fails to file an amended complaint within the time permitted, his claims against the City of Philadelphia will be dismissed with prejudice.

It is further ORDERED DeSousa shall have until August 8, 2012, to make proper service of the Complaint and summons on Defendant "Ex P/O" Sharkey and to file proof of service with this Court.¹ Failure to complete service and file proof of service within the time permitted, or to seek a further extension of the time to do so, may result in dismissal of the Complaint against Sharkey

¹ In June 2011, DeSousa filed proof of service as to the "17th District," which he has since explained reflects his efforts to serve Sharkey at his place of employment. Sharkey, however, has not responded to the Complaint. Moreover, the City of Philadelphia has recently advised this Court that Sharkey was dismissed from his employment with the Philadelphia Police Department in April 2010 and the City is therefore unable to accept service on his behalf. Because DeSousa attempted to serve Sharkey at the 17th District after Sharkey's employment was terminated, it appears Sharkey was not properly served. Accordingly, this Court will grant DeSousa an additional 30 days to serve Sharkey and file proof of service. As noted in the attached correspondence from the City of Philadelphia, Sharkey's last known address, according to the City's records, is 3420 Brighton Street, Philadelphia, Pennsylvania 19149.

without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.